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Attorney for Respondent Dwight Neven

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

GEORGE CHESTER ARTHUR,
Petitioner
vs.
DWIGHT NEVEN, *et al.*
Respondent

| Case No. 2:14-cv-2083-RFB-CWH

MOTION FOR EXTENSION OF TIME
TO RESPOND TO AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS

(First Request)

Respondents, through legal counsel, Adam Paul Laxalt, Attorney General of The State of Nevada, and Michael J. Bongard, Deputy Attorney General, hereby move this court for an additional forty-five (45) day enlargement of time, up to and including November 20, 2017, in which to respond to Petitioner's Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2254 by a Person in State Custody." (ECF No. 28). The response is currently due October 6, 2017.

This motion is based and premised on the accompanying Declaration of Counsel.

This is Respondent's first request for an extension of time in which to file a response and is made in good faith and not for purposes of delay.

DATED this 25th day of August, 2017.

ADAM PAUL LAXALT
Attorney General

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
Deputy Attorney General

DECLARATION OF MICHAEL J. BONGARD

1. I am a Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Criminal Justice Division, and I make this declaration on behalf of Respondent's Motion for Enlargement of Time (First Request) in the above-captioned case. By this motion, I am requesting an additional forty-five (45) day enlargement of time, up to and including, November 20, 2017, to file and serve Respondent's response to Petitioner's Amended Petition (ECF No. 28).

2. Counsel for Respondents requests the additional time to respond to the petition as Counsel is finishing the answering brief in *Rose v. LeGrand*, Ninth Circuit Case No. 17-15009, and has an answering brief due in *State v. Ellingson*, Nevada Supreme Court Case No. 72120 on September 12, 2017. Counsel also is beginning trial preparation in *State v. Peek*, Third Judicial District Court Case No. 15-CR-710, in Yerington, Nevada, scheduled from September 25, 2017, through October 6, 2017. Counsel also has responses due in other state and federal habeas corpus cases, as well as court hearings in the Seventh Judicial District Court in Ely, Nevada.

3. Counsel also is working with office administration to hire a secretary for the Nevada Attorney General's Ely Office. Counsel's secretary retired on July 14, 2017.

4. Counsel also anticipates filing a reply to an opposition to motion to dismiss in *Lisle v. Filson*, 2:03-cv-01006-MMD-CWH in September, 2017. The Court in that case has directed no enlargements of time will be granted absent extraordinary circumstances.

5. On August 24, 2017, counsel contacted Amelia L. Bizzaro from the Federal Public Defender's Office regarding this request for enlargement of time to respond. Ms. Bizzaro had no objections.

6. For the reasons above, as well as the record in this case, counsel respectfully asks this Court to grant the request for an extension of time of an additional forty-five (45) days to file the response to Petitioner's Amended Petition.

DATED this 25th day of August, 2017.

IT IS SO ORDERED:

By: /s/ Michael J. Bongard

Michael J. Bongard (Bar No. 007997)
Deputy Attorney General

RICHARD F. BOULWARE, II
United States District Judge

DATED this 28th day of August, 2017.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing ***Motion for Enlargement of Time to File Response to Amended Successor Petition for Writ of Habeas Corpus*** with the Clerk of the Court by using the CM/ECF system on the 25th day of August, 2017.

The following participants in this case are registered electronic filing systems users and will be served electronically:

Amelia L. Bizzaro
Assistant Federal Public Defender
411 E. Bonneville Ave., Suite 250
Las Vegas, NV 89101

/s/ K. Plett
An employee of the Office of the Attorney General